THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.26302 of 2006

Date: 18th December, 2006

Between :-

T. Lalaiah .. Petitioner

And

The Commissioner,
Municipal Corporation of Hyderabad,
Tank Bund, Hyderabad and 2 others ..
Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.26302 of 2006

ORDER:-

The Writ Petition is filed for a Writ of Mandamus declaring the notice/removal order vide letter No.15/ACP/W8/C5/TPS/MCH/2006, dt.8-12-2006 issued under Section 402 of H.M.C.Act 1955 by the respondents 1 and 2 as illegal, arbitrary, without jurisdiction and violates the principles of natural justice and also violates Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondents 1 and 2 not to demolish and evict the petitioner from the premises bearing Municipal No.8-2-293/82/L/175-A/B/7, situated at M.L.As., Colony, Road No.12, Banjara Hills, Hyderabad, and pass such other suitable orders.

2. Several factual details are narrated in paras 2 to 8 of the affidavit filed in support of the Writ Petition.

3. In view of the facts and circumstances explained in detail, this Court is of the considered opinion that the petitioner to be given an opportunity treating the impugned notice as show cause notice and the petitioner is at liberty to file objections within a period of one week from the date of receipt of this Order and the 2nd respondent to consider such objections which may be raised by the petitioner and dispose of the same in accordance with law. Till this

exercise is made, *status quo* as on today to be maintained.

4. The Writ Petition is disposed of accordingly. No order as to costs.

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Justice P.S.Narayana

18th December, 2006

Note:- Operative portion of the order
By wire at party's costs.

(B/o.smr)